

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL No. 1456
LITIGATION)
THIS DOCUMENT RELATES TO) CIVIL ACTION: 01-CV-12257 PBS
Master File No. 01-CV-12257-PBS)
) Judge Patti B. Saris
)
) Chief Mag. Judge Marianne B. Bowler
)

STATUS REPORT JULY 1, 2006

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court listing the status of all pending motions to date.

Respectfully Submitted,

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ON BEHALF OF ALL PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing **Status Report** to be served on all counsel of record electronically on July 3, 2006 pursuant to Section D of Case Management Order No. 2.

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MDL 1456 STATUS CHART - GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> • December 7, 2005 – Defendants' Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents (re: Montana and Nevada) <ul style="list-style-type: none"> ○ December 7, 2005 – Defendants' Motion for Expedited Briefing Schedule and Oral Argument on Defendants' Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 8, 2005 – Opposition of the States of Nevada and Montana to Defendants' Motion for Expedited Briefing Schedule and Oral Argument on Defendants' Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 12, 2005 – Defendants' Motion for Leave to File Reply Memorandum in Support of Motion Expedited Briefing Schedule and Oral Argument on Defendants' Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 15, 2005 – Opposition of the States of Nevada and Montana to Defendants' Motion for Leave to File Reply Memorandum in Support of Motion Expedited Briefing Schedule and Oral Argument on Defendants' Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ December 21, 2005 – Opposition of the States of Nevada and Montana to Defendants' Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ January 6, 2006 – Defendants' Motion for Leave to File a Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ January 6, 2006 – Defendants' Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents ○ January 11, 2006 – Opposition of the States of Nevada and Montana to Defendants' Motion for Leave to File a Reply Brief in Support of Their Emergency Motion for an Order Holding Plaintiffs in Contempt for Preservation of Potentially Relevant Documents and for an

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al. (continued)		<ul style="list-style-type: none"> • April 4, 2006 – Bayer Corp.’s First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness (<i>corrected on April 14, 2006</i>) <ul style="list-style-type: none"> ○ April 18, 2006 – Opposition to Bayer Corporation’s First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness ○ June 27, 2006 – Defendant Bayer Corporation’s Motion for Leave to File a Notice of Supplemental Facts in Support of its First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness ○ June 27, 2006 – Defendant Bayer Corporation’s Proposed Notice of Supplemental Facts in Support of its First Motion to Compel Plaintiff the State of Montana to Produce a Rule 30(b)(6) Witness ○ June 27, 2006 – Bayer Corporation’s Motion for Leave to File Under Seal Exhibit B to the Affidavit of Michael Doss in Support of Bayer’s Motion for Leave to File a Notice of Supplemental Facts • June 21, 2006 – Montana’s and Nevada’s Motion for Protective Order Relating to Defendants’ Second Subpoena to Blue Cross Blue Shield of Montana and Deposition Notice to MMCAP • June 27, 2006 – Joint Proposed Scheduling Order Extending Dates Under Case Management Order #25 	<p>Accounting of Spoliated Documents</p>
Nevada v. American Home Products, Inc. et al (“Nevada IP”)	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> • December 7, 2005 – Defendants’ Emergency Motion for an Order Holding Plaintiff in Contempt, for Preservation of Potentially Relevant Documents, and for an Accounting of Spoliated Documents (re: Montana and Nevada, see entry under <i>Montana v. Abbott Labs., Inc. et al.</i>) • June 21, 2006 – Montana’s and Nevada’s Motion for Protective Order Relating to Defendants’ Second Subpoena to Blue Cross Blue Shield of Montana and Deposition Notice to MMCAP • June 27, 2006 – Joint Proposed Scheduling Order Extending Dates Under Case Management Order #25

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • August 25, 2005 – First Amended Complaint in Intervention for Money Damages and Civil Penalties for Violations of the California False Claims Act <ul style="list-style-type: none"> ○ October 6, 2005 – Motion for Entry of Joint Stipulation to Stay the Deadline for Defendant Abbott Laboratories Inc. to Respond to the First Amended Complaint in Intervention ● September 12, 2005 – Relator Ven-A-Care's Motion For Leave to File Under Seal Relator's Notice of Election and Notice of Dismissal ● January 17, 2006 – Defendants' Motion to Dismiss the First Amended Complaint-In-Intervention (<i>Individual memoranda of law submitted by ZLB Behring LLC and Abbott Laboratories Inc.</i>) <ul style="list-style-type: none"> ○ January 17, 2006 – B. Braun of America Inc.'s Motion to Dismiss the State of California's First Amended Complaint ○ February 13, 2006 – Boehringer Ingelheim Pharmaceuticals, Inc.'s Motion to Dismiss and Joiner in Defendants' Motion to Dismiss the First Amended Complaint-In-Intervention ○ March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendants' Joint Motion to Dismiss the First Amended Complaint-In-Intervention ○ March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant B. Braun of Am., Inc.'s Separate Motion to Dismiss the First Amended Complaint ○ March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant Abbott Laboratories, Inc.'s Separate Motion to Dismiss the First Amended Complaint ○ March 2, 2006 – Plaintiffs' Memorandum in Opposition to Defendant ZLB Behring, LLC's Individual Motion to Dismiss the First Amended Complaint ○ April 3, 2006 – Defendants' Reply to Plaintiffs' Memorandum in Opposition to Defendants' Joint Motion to Dismiss the First Amended Complaint-In-Intervention (<i>individual replies filed by Abbott Laboratories Inc., B. Braun of America, Inc., Boehringer Ingelheim Pharmaceuticals, Inc. and ZLB Behring LLC</i>) ○ April 3, 2006 – Defendants' Opposition to Plaintiffs' Objections Pursuant to Rule 20(e) of the Federal Rules of Evidence to Judicial Notice of Facts and Conclusions Set Forth in Defendants' Motion to Dismiss ○ April 17, 2006 – Plaintiffs' Sur-Reply to Defendants' Joint and Individual Motions to Dismiss the First Amended Complaint ○ April 17, 2006 – Plaintiffs' Motion for Leave to File Reply in Support of Objections to Taking Judicial Notice of Facts and Conclusions Set Forth in Defendants' Motion to Dismiss ○ April 17, 2006 – Plaintiffs' Reply Brief in Opposition to Judicial Notice ○ June 12, 2006 – Defendants' Motion for Leave to File a Supplemental Brief in Support of Their Motion to Dismiss Plaintiffs' First Amended Complaint-In-Intervention ○ June 12, 2006 – Defendants' Supplemental Brief in Support of Their Motion to Dismiss Plaintiffs' First Amended Complaint-In-Intervention ○ June 20, 2006 – Plaintiffs' Motion for Leave to File Objections to Defendants' Supplemental

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al. (continued)			<ul style="list-style-type: none"> • Brief <ul style="list-style-type: none"> ○ June 20, 2006 – Plaintiffs' Objections to Defendants' Supplemental Brief • April 11, 2006 – Notice of Proposed Case Management Order Pursuant to the Court's March 16, 2006 Ruling • April 28, 2006 – Stipulated Motion for Order Permitting Deposition of Harvey Weintraub (former Warrick Vice President)
Florida ex rel. Ven-A-Care of the Florida Keys v. Alpharma, Inc. et al., Case No. 05-257		Removed to N.D. Fla.	<ul style="list-style-type: none"> • Motion to Remand in Florida v. Alpharma, Inc. (05-257) filed but not briefed prior to transfer <ul style="list-style-type: none"> ○ September 16, 2005 – Plaintiffs' Memorandum of Law in Support of Motion for Remand filed in D. Mass. ○ October 14, 2005 – Defendants' Memorandum of Law in Opposition to Plaintiffs' Motion for Remand to State Circuit Court ○ November 18, 2005 – Endorsed Request for International Judicial Assistance (Letter Rogatory)
State of Florida, et al. v. Mylan Labs., Inc., et al., Case No. 4:05-490	n/a	N.D. Fla.	<ul style="list-style-type: none"> • April 12, 2006 – Transfer Order transferring State of Florida, et al. v. Mylan Laboratories, Inc., et al., N.D. Fla., C.A. No. 4:05-490 to D. Mass. • January 30, 2006 – Conditional Transfer Order transferring State of Arizona ex rel. v. Abbott Laboratories, Inc., et al., D. Ariz., Case No. 2:06-45 <ul style="list-style-type: none"> ○ February 13, 2006 – Notice of Opposition to proposed transfer filed by Arizona Attorney General ○ February 22, 2006 – Motion and Brief to Vacate the CTO must be received by the JPML no later than March 1, 2006 ○ February 27, 2006 – Plaintiff's Motion to Vacate the CTO ○ March 21, 2006 – Defendants' Opposition to Plaintiff's Joint Motion to Vacate CTO #28 <ul style="list-style-type: none"> ○ March 28, 2006 – Reply Memorandum in Support of Plaintiff State of Arizona's Motion to Vacate Conditional Transfer Order (CTO-28)
State of Missouri, et al. v. Mylan Laboratories, Inc., et al., Case No. 4:06-603	n/a	E.D. Mo.	<ul style="list-style-type: none"> • May 12, 2006 – Motion and Brief to Vacate the CTO must be received by the JPML no later than May 30, 2006

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Consolidated County Case: City of New York (S.D.N.Y.) County of Albany (N.D.N.Y.) County of Allegany (W.D.N.Y.) County of Broome (N.D.N.Y.) County of Cattaraugus (W.D.N.Y.) County of Cayuga (N.D.N.Y.) County of Chautauqua (W.D.N.Y.) County of Chemung (W.D.N.Y.) County of Chenango (N.D.N.Y.) County of Columbia (N.D.N.Y.) County of Cortland (N.D.N.Y.) County of Dutchess (S.D.N.Y.) County of Essex (N.D.N.Y.) County of Fulton (N.D.N.Y.) County of Genesee (W.D.N.Y.) County of Greene (N.D.N.Y.) County of Herkimer (N.D.N.Y.) County of Jefferson (N.D.N.Y.) County of Lewis (N.D.N.Y.) County of Madison (N.D.N.Y.) County of Monroe (W.D.N.Y.) County of Nassau (E.D.N.Y.) County of Niagara (N.D.N.Y.) County of Oneida (N.D.N.Y.) County of Onondaga (N.D.N.Y.)	n/a	March 30, 2005 – County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery From the Schering-Plough Corporation <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ April 6, 2005 – Schering Plough's Opposition to County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery ○ June 15, 2005 – Redacted Consolidated Complaint filed in the United States District Court for the District of Massachusetts <ul style="list-style-type: none"> ○ June 15, 2005 – Plaintiffs' Motion for Leave to File Consolidated Complaint Under Seal ○ June 22, 2005 – Corrected Consolidated Complaint filed in the United States District Court for the District of Massachusetts ○ June 23, 2005 – Motion for Leave to File Consolidated Complaint Under Seal Denied. ○ Defendants seeking redactions ordered to file affidavits within ten days. ○ July 8, 2005 – Order modifying June 23, 2005 Order and extending time to file affidavits. ○ February 8, 2006 – Motion by BMS for Extension of Time and Further Relief in Order to Comply with July 8, 2005 Order Denied ○ March 3, 2006 – Defendants' Joint Motion to Dismiss the New York Consolidated Complaint and the Nassau County Second Amended Complaint <ul style="list-style-type: none"> ○ Individual Memoranda of Each Defendant in Support of Its Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County (<i>individual memoranda filed by Bayer Corp., Sanofi-Synthelab, Forest Labs, Inc./Forest Pharmaceuticals, Inc., Amgen, Inc., Pfizer Defendants, TAP Pharmaceutical Prods., Inc., Biogen Idec Inc., Wyeth, Novartis Pharmaceuticals Corp., EMD, Inc., Mylan Defendants, AstraZeneca Defendants, Endo Pharmaceuticals, Roche Defendants, Boehringer Ingelheim Corp., MedImmune, Inc., Merck & Co., Inc., Sandoz Inc., Ben Venue Labs, Inc., Par Pharmaceuticals, Boehringer Ingelheim Corp.</i>) <ul style="list-style-type: none"> ○ April 17, 2006 – Plaintiffs' Opposition to Defendants' Individual Memorandum in Support of Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County ○ April 24, 2006 – Plaintiffs' Opposition to Individual Memoranda of Law in Support of Motion to Dismiss Filed by Eli Lilly & Co., Purdue Pharma LP, Chiron Corp. ○ May 8, 2006 – Defendant TAP Pharmaceutical Products Inc.'s Reply Memorandum in Support of Defendants' Joint Motion to Dismiss ○ May 11, 2006 – Joint Defendants' Reply to Plaintiffs' Opposition to Motion to Dismiss the Consolidated County Complaint and Nassau County's Second Amended Complaint ○ May 11, 2006 – Individual Reply Memoranda of Each Defendant in Further Support of Its 	

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
County of Ontario (W.D.N.Y.) County of Orleans (W.D.N.Y.) County of Putnam (S.D.N.Y.) County of Rensselaer (N.D.N.Y.) County of Rockland (S.D.N.Y.) County of St. Lawrence (N.D.N.Y.) County of Saratoga (N.D.N.Y.) County of Schuyler (W.D.N.Y.) County of Seneca (W.D.N.Y.) County of Steuben (W.D.N.Y.) County of Suffolk (E.D.N.Y.) County of Tompkins (N.D.N.Y.) County of Ulster (N.D.N.Y.) County of Warren (N.D.N.Y.) County of Washington (N.D.N.Y.) County of Wayne (W.D.N.Y.) County of Westchester (S.D.N.Y.) County of Wyoming (W.D.N.Y.) County of Yates (W.D.N.Y.)			<p>Motion to Dismiss (1) the Consolidated Complaint of New York City and Plaintiff Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County (<i>individual memoranda filed by Forest Labs., Inc./Forest Pharmaceuticals, Inc., Amgen Inc., Aventis Pharmaceuticals, Biogen Idec Inc., Endo Pharmaceuticals Inc., Eli Lilly and Co., Wyeth, The Roche Defendants, Merck & Co., Bayer Corp., Pfizer Defendants, Sanofi-Synthelab, Mylan Defendants, Boehringer Ingelheim, Ben Venue Labs., Inc., Purdue Pharma LP/Purdue Frederick Co./Purdue Pharma Co., AstraZeneca, EMD, Inc., Sandoz Inc., Novartis Pharmaceuticals Corp., MedImmune, Inc., Par Pharmaceutical, Inc.</i>)</p> <ul style="list-style-type: none"> ○ May 31, 2006 – Plaintiffs' Emergency Motion for a Two-Day Extension of Time to File Sur-Reply Memoranda In Further Opposition to Defendants' Motions to Dismiss ○ June 2, 2006 – Plaintiffs' Sur-Reply in Opposition to Defendants' Joint Motion to Dismiss (1) the Consolidated Complaint of the City of New York and New York Counties and (2) Nassau County's Second Amended Complaint ○ June 2, 2006 – Plaintiffs' Joint Sur-Reply in Further Opposition to Defendants' Individual Motions to Dismiss ○ June 27, 2006 – Bayer Corporation's Motion for Leave to File a Notice of Supplemental Authority in Support of its Motion to Dismiss the Consolidated Complaint of New York City and Plaintiff New York Counties Other than Nassau and the Second Amended Complaint of Nassau County ○ June 27, 2006 – Bayer Corporation's Proposed Notice of Supplemental Authority in Support of its Motion to Dismiss the Consolidated Complaint of New York City and Plaintiff New York Counties Other than Nassau and the Second Amended Complaint of Nassau County ○ June 28, 2006 – Defendants' Joint Recommendation on Certification of New York State Law Questions Concerning Their Motion to Dismiss (1) the Consolidated Complaint of the City of New York and Plaintiff New York Counties Other than Nassau and (2) the Second Amended Complaint of Nassau County

MDL 1456 STATUS CHART - PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> • May 3, 2004 – Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sicor and Together Rx Defendants sub judice (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ May 17, 2004 – Certain Defendants' Notice of Opposition to Plaintiffs' Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time ○ May 26, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) ○ May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel ○ May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs' Motion to Compel the Production of Documents ○ May 28, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>) ○ June 8, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>) ○ June 9, 2004 – Plaintiffs' Reply Memorandum in Support of Motion to Compel the Production of Documents Created During the Relevant Time Period from the Together Rx Defendants ○ June 22, 2004 – Order granting Plaintiffs' Motion to Withdraw Motion to Compel Directed at Abbott Laboratories ○ Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants
			<ul style="list-style-type: none"> • February 23, 2005 – Third Party Schaller Anderson Inc.'s Objection and Motion to Quash Plaintiffs' Subpoena • June 14, 2005 – Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.'s Motion for Protective Order with Memorandum in Support <i>sub judice</i> (Magistrate Judge Bowler)

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)		<ul style="list-style-type: none"> • November 9, 2005 – Plaintiffs' Motion for Order Exempting Defendant Abbott Laboratories from Any Order Refusing to Extend Deadline for Track Two Discovery <ul style="list-style-type: none"> ○ November 23, 2005 – Defendant Abbott Laboratories' Opposition to Plaintiffs' Motion for Order Exempting Defendant Abbott Laboratories from Any Order Declining to Extend Deadline for Track Two Discovery ○ December 1, 2005 – Plaintiffs' Letter to Magistrate Judge Bowler Requesting Postponement of Hearing until Track Two Discovery Issues Resolved • November 28, 2005 – Plaintiffs' Motion for Clarification of Case Management Order #16 <ul style="list-style-type: none"> ○ November 30, 2005 – Response of Defendant Watson Pharma, Inc. to Plaintiffs' "Motion for Clarification of Case Management Order #16" ○ November 30, 2005 – Certain Track II Defendants' Request for Expedited Hearing ○ December 1, 2005 – Order re: Plaintiffs' Motion for Clarification of Case Management Order #16 ○ December 9, 2005 – Track II Defendants' Submission Regarding Discovery Schedule ○ December 9, 2005 – Watson Pharmaceuticals, Inc.'s Response to Court Order Regarding Discovery Schedule ○ December 9, 2005 – Defendants Baxter Healthcare Corporation and Baxter International Inc.'s Memorandum Regarding Track II Discovery Schedule ○ December 9, 2005 – Plaintiffs' Memorandum in Support of Their Proposed Track II Discovery Schedule ○ December 15, 2005 – Plaintiffs' Reply to Watson Pharmaceuticals, Inc.'s Response to Court Order Regarding Discovery Schedule ○ December 16, 2005 – Watson Pharmaceuticals, Inc.'s Motion for Leave to File Reply Memorandum in Support of Its Response to Court Order Regarding Discovery Schedule 	

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)		<ul style="list-style-type: none"> • February 16, 2006 – Dey, Inc.'s and Abbott Laboratories' Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 Pursuant to Fed. R. Civ. P. Rule 72(a) <ul style="list-style-type: none"> ○ February 22, 2006 – Plaintiffs' Assented-to Motion for Leave to Reply to Dey, Inc.'s and Abbott Laboratories' Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 to File Such Reply Until March 8, 2006 ○ March 8, 2006 – Plaintiffs' Opposition to Dey, Inc.'s and Abbott Laboratories' Objections to Chief Magistrate Judge Bowler's Order Denying Further Discovery of Massachusetts Health Plans ○ March 8, 2006 – Plaintiffs' Motion for Leave to File Plaintiffs' Opposition to Dey, Inc.'s and Abbott Laboratories' Objections to Chief Magistrate Judge Bowler's Order Denying Further Discovery of Massachusetts Health Plans • February 21, 2006 – UnitedHealthcare, Inc. and United HealthCare Insurance Co.'s Limited Objections to Magistrate Judge's Order Granting Defendants' Motion to Compel <ul style="list-style-type: none"> ○ March 10, 2006 – Defendants' Response to Third Party UnitedHealthcare, Inc. and United HealthCare Insurance Company's Objections to Chief Magistrate Judge Bowler's Order Granting Defendants' Motion to Compel • March 15, 2006 – Track One Defendants' Motion for Summary Judgment (individual memoranda filed by each of the Track One Defendants) <ul style="list-style-type: none"> ○ April 7, 2006 – Plaintiffs' Memorandum in Opposition to Track One Defendants' Joint Motion for Summary Judgment (<i>replies filed to individual memoranda by each of the Track One Defendants</i>) ○ April 28, 2006 – Defendants' Reply Memorandum in Further Support of Track 1 Defendants' Joint Motion for Summary Judgment (<i>individual reply memoranda filed in further support of motions for summary judgment by AstraZeneca Pharmaceuticals, BMS, Johnson & Johnson, and Schering-Plough & Warwick Pharmaceuticals</i>) ○ May 5, 2006 – Johnson & Johnson Defendants' Motion for Leave to Respond to the Duxbury Declaration <ul style="list-style-type: none"> ■ May 19, 2006 – Plaintiffs' Memorandum of Law in Opposition to the Johnson & Johnson Defendants' Motion 	

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>for Leave to Respond to the Duxbury Declaration of Their Motion for Summary Judgment</p> <ul style="list-style-type: none"> ◦ May 18, 2006 – BMS Defendants’ Supplemental Reply in Support of Their Motion for Summary Judgment ▪ May 26, 2006 – BMS Defendants’ Supplemental Memorandum Regarding Subsequent History ◦ May 26, 2006 – Track 1 Defendants’ Notice of Supporting Authority Regarding Congressional Adoption of AWP in 1997 ◦ May 26, 2006 – Plaintiffs’ Sur-Reply in Opposition to AstraZeneca’s Motion for Summary Judgment Discussing Two Discrete Issues Requested By the Court ◦ May 30, 2006 – Track One Defendants’ Memorandum Addressing Class Plaintiffs’ “Plain Meaning” Argument ◦ June 1, 2006 – Schering-Plough Corporation’s and Warrick Pharmaceuticals Corporation’s Supplemental Memorandum Regarding Generic and Multi-Source Drugs ◦ June 1, 2006 – Class Plaintiffs’ Motion to Strike Track 1 Defendants’ Unauthorized Memoranda ◦ June 5, 2006 – Plaintiffs’ Motion for Leave to File One-Page Supplement to Their Sur-Reply in Opposition to AstraZeneca’s Motion for Summary Judgment Discussing Two Discrete Issues Requested by the Court ◦ June 5, 2006 – Plaintiffs’ One-Page Supplement to Their Sur-Reply in Opposition to AstraZeneca’s Motion for Summary Judgment Discussing Two Discrete Issues Requested by the Court ◦ June 6, 2006 – Track 1 Defendants’ Opposition to Class Plaintiffs’ Motion to Strike Track 1 Defendants’ Memoranda <ul style="list-style-type: none"> • March 15, 2006 – Plaintiffs’ Motion for Partial Summary Judgment Against All Track 1 Defendants <ul style="list-style-type: none"> ◦ April 7, 2006 – Track One Defendants’ Joint Memorandum in Opposition to Plaintiffs’ Motion for Partial Summary Judgment Against All Track One Defendants (<i>individual memoranda in opposition filed by each of the Track One Defendants</i>) <ul style="list-style-type: none"> ◦ April 28, 2006 – Plaintiffs’ Reply Memorandum in Support of Motion for Partial Summary Judgment Against All Track 1 Defendants • March 15, 2006 – Class Plaintiffs’ Motion for Summary Judgment on Defendants’ Affirmative Defenses

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> ○ April 7, 2006 – Track One Defendants' Memorandum in Opposition to Class Plaintiffs' Motion for Partial Summary Judgment on Defendants' Affirmative Defenses (<i>individual memoranda in opposition filed by Track One Defendants</i>) <ul style="list-style-type: none"> ○ April 28, 2006 – Plaintiffs' Reply Memorandum in Further Support of Motion for Summary Judgment on Defendants' Affirmative Defenses ● March 15, 2006 – Plaintiffs' Motion for Partial Summary Judgment on Behalf of Class 1 and 2 Against Defendant AstraZeneca Based on Its Guilty Plea Related to Zoladex <ul style="list-style-type: none"> ○ April 7, 2006 – AstraZeneca Pharmaceuticals LP's Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment on Behalf of Class 1 and 2 Against Defendant AstraZeneca Based on Its Guilty Plea Related to Zoladex ○ April 28, 2006 – Plaintiffs' Reply Memorandum in Further Support of Motion for Partial Summary Judgment Against AstraZeneca Based on Its Guilty Plea Relating to Zoladex ● April 28, 2006 – Track Two Defendants' Motion to Renew Their Motion to Compel (Docket Entry No. 2162) Directed to Third-Party National Heritage Insurance Co. in its Capacity as the Medicare Part B Carrier for Massachusetts and Request for Hearing on May 9, 2006 <ul style="list-style-type: none"> ○ May 3, 2006 – Amgen, Inc.'s Motion for Protective Order Relating to Plaintiffs' Rule 30(b)(6) Deposition Regarding Sales and Marketing <ul style="list-style-type: none"> ○ May 8, 2006 – Plaintiffs' Memorandum in Opposition to Amgen's Motion for Protective Order Relating to Plaintiffs' Rule 30(b)(6) Deposition Notice Regarding Sales and Marketing ○ May 11, 2006 – Amgen Inc.'s Motion for Leave to File a Reply Memorandum and Reply Memorandum in Support of Its Motion for Protective Order Relating to Plaintiffs' Rule 30(b)(6) Deposition Regarding Sales and Marketing ○ May 12, 2006 – Plaintiffs' Memorandum in Opposition to Amgen Inc.'s Motion for Leave to File a Reply Memorandum in Support of Its Motion for Protective Order ● May 8, 2006 – Plaintiffs' Motion to Certify Claims with Respect to Track 2 Defendants

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> ○ May 16, 2006 – Plaintiffs' Motion for Leave to Join Harold Bean as a Plaintiff and a Proposed Class Representative <ul style="list-style-type: none"> ■ May 19, 2006 – Track Two Defendants' Opposition to Plaintiffs' Motion for Leave to Join Harold Bean as a Plaintiff and Class Representative ■ May 24, 2006 – Warrick Pharmaceuticals Corp.'s Opposition to Plaintiffs' Motion for Leave to Join Harold Bean as a Plaintiff and Class Representative ○ May 16, 2006 – Track Two Defendants' Motion to Strike Harold Bean as a Proposed Class Representative <ul style="list-style-type: none"> ■ May 26, 2006 – Plaintiffs' Memorandum in Opposition to Motion to Strike Harold Bean as a Proposed Class Representative ○ June 15, 2006 – Defendants' Individual Memorandum of Law in Opposition to Track 2 Class Certification (<i>individual memorandum filed by each of the Track 2 Defendants</i>) (Redacted versions filed on June 29, 2006) ● May 8, 2006 – Non-Party National Heritage Insurance Company Inc.'s Motion to Renew its Cross-Motion to Quash Subpoenas and Opposition to Motion to Compel <ul style="list-style-type: none"> ○ May 22, 2006 – Track Two Defendants' Opposition to Third-Party National Heritage Insurance Company's Cross-Motion to Quash Subpoenas ○ May 24, 2006 – Non-Party National Heritage Insurance Company Inc.'s Motion for Leave to File Reply to Defendants' Opposition to Its Cross-Motion to Quash Subpoenas ● May 19, 2006 – Plaintiffs' Motion to Unseal All Confidential or Highly Confidential Designated Documents Used in Summary Judgment Proceedings <ul style="list-style-type: none"> ○ June 20, 2006 – Agreed Motion for a Proposed Agreed Order Concerning Plaintiffs' Motion to Unseal All Confidential or Highly Confidential Designated Documents Used in Summary Judgment Proceedings as to BMS ○ June 21, 2006 – Proposed Agreed Order Concerning Plaintiffs' Motion to Unseal All Confidential Designated Documents Used in Summary Judgment Proceedings (<i>as to the Johnson & Johnson Defendants</i>)

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)		<ul style="list-style-type: none"> ○ June 21, 2006 – Schering-Plough Corporation’s and Warrick Pharmaceuticals Corporation’s Opposition to Plaintiffs’ Motion to Unseal All Confidential or Highly Confidential Designated Documents Used in Summary Judgment Proceedings ○ June 23, 2006 – Plaintiffs’ Reply Memorandum in Support of Motion to Unseal Documents Used in Summary Judgment Proceedings ● May 23, 2006 – Oxford Health Plans, LLC’s Limited Objections to Magistrate Judge’s Order Granting the Motion to Compel <ul style="list-style-type: none"> ○ June 6, 2006 – Defendants’ Response to Third Party Oxford Health Plans LLC’s Objections to Chief Magistrate Judge Bowler’s Order Granting Defendants’ Motion to Compel ● May 25, 2006 – Defendant Immunex Corporation’s Motion for Protective Order Regarding May 17, 2006 Deposition Notice <ul style="list-style-type: none"> ○ May 31, 2006 – Plaintiffs’ Unopposed Motion for Leave to File Under Seal Plaintiffs’ Memorandum and Declaration of Robert F. Lopez, in Opposition to Immunex Corporation’s Motion for Protective Order Regarding May 17, 2006 Deposition Notice ○ May 31, 2006 – Plaintiffs’ Memorandum in Opposition to Immunex Corporation’s Motion for Protective Order Regarding May 17, 2006 Deposition Notice ● May 31, 2006 – Class Plaintiffs’ Motion for an Order Approving the Form and Manner of Class Notice <ul style="list-style-type: none"> ○ June 2, 2006 – Memorandum of AstraZeneca Pharmaceuticals LP Concerning General Principles of and Requirements for Notice ○ June 2, 2006 – The BMS Defendants’ Memorandum in Response to Plaintiffs’ Motion for an Order Approving the Form and Manner of Class Notice ○ June 2, 2006 – The Johnson & Johnson Defendants’ Opposition to Class Plaintiffs’ Motion for an Order Approving the Form and Manner of Class Notice ○ June 2, 2006 – Schering-Plough Corporation’s and Warrick Pharmaceuticals Corporation’s Opposition to Class Plaintiffs’ Motion for an Order Approving the Form and Manner of Class Notice ○ June 21, 2006 – Class Plaintiffs’ Motion to Approve the Form of 	

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Class Notice and the Manner of Notice</p> <ul style="list-style-type: none"> ○ June 21, 2006 – Astrazeneca Pharmaceuticals LP's Memorandum Regarding Forms and Manner of Notice Pursuant to the Court's Request at the June 5, 2006 Hearing ○ June 21, 2006 – The BMS Defendants' Memorandum in Response to Plaintiffs' "New" Proposed Class Notice ○ June 21, 2006 – The Johnson & Johnson Defendants' Memorandum Regarding Forms and Manner of Notice Pursuant to the Court's Request at the June 5, 2006 Hearing ○ June 21, 2006 – Schering-Plough Corporation's and Warrick Pharmaceuticals Corporation's Memorandum Regarding Forms and Manner of Notice Pursuant to the Court's Request at the June 5, 2006 Hearing ○ June 30, 2006 – Class Plaintiffs' Renewed Motion for Approval of the Form of Class Notice and the Manner of Notice and Report on Status of Individual Notice to Part B Class Members <ul style="list-style-type: none"> ● June 2, 2006 – Plaintiffs' Motion to Compel and for Assessment of Discovery-Related Costs Against Defendant Abbott Laboratories <ul style="list-style-type: none"> ○ June 29, 2006 – Defendant Abbott Laboratories' Opposition to Plaintiffs' Motion to Compel and for Assessment of Discovery Related Costs Against Defendant Abbott Laboratories ● June 16, 2006 – Track 1 Defendants' Motion to Preclude the Expert Testimony of Dr. Raymond Hartman in Connection with Classes 1 and 2 or, in the Alternative, for a Daubert Hearing ● June 22, 2006 – Plaintiffs' Motion to Quash May 18, 2006 Amended Notice of Deposition of Harvey Weintraub Filed by Defendant Warrick Pharmaceuticals Corporation <ul style="list-style-type: none"> ○ June 22, 2006 – Plaintiffs' Motion for Leave to File Under Seal Plaintiffs' Memorandum and Exhibit 1 to the Declaration of Steve W. Berman in Support of Motion to Quash May 18, 2006 Amended Notice of Deposition of Harvey Weintraub Filed by Defendant Warrick Pharmaceuticals Corporation ● June 23, 2006 – Schering-Plough Corporation's Motion to Strike Certain Subject Drugs

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)		<ul style="list-style-type: none"> • June 28, 2006 – Plaintiffs' Motion for Sanctions and Default Judgment Against Baxter Healthcare for Obfuscation of Documents and Dilatory Tactics • June 30, 2006 – Aventis Pharmaceuticals Inc.'s Motion for Partial Summary Judgment as to Count V and Motion for Partial Judgment on the Pleadings, or in the Alternative, Partial Summary Judgment as to Count VII Based Upon Plaintiffs' Failure to Provide M.G.L. Ch. 93A Demand 	